

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

BETTY DIANE CARROLL §
§
v. § CIVIL NO. 4:21-CV-327-SDJ
§
C-CON SERVICES, INC. ET AL §

VERDICT OF THE JURY

QUESTION NO. 1

The parties have stipulated that Defendant C-Con Services, Inc. employed Plaintiff during the relevant period. The parties have further stipulated that Defendant C-Con Services, Inc. was an “employer” of Plaintiff under the FLSA during the relevant period.

Based on the evidence presented, do you find that, in addition to C-Con Services, Inc., Defendant Earl B. Cotton was also an employer of Plaintiff Betty Carroll under the FLSA during the relevant period?

Answer "Yes" or "No."

Answer: No.

If and only if you answered “Yes” to Question No. 1, then all references below in Questions Nos. 2, 3, 4, 5, 6a, 6b, 7, 8, and 9 to “Defendant(s)” means “Defendant C-Con Services, Inc. and Defendant Earl B. Cotton.” If and only if you answered “No” to Question No. 1, then all references below in Questions Nos. 2, 3, 4, 5, 6a, 6b, 7, 8, and 9 to “Defendant(s)” means “Defendant C-Con Services, Inc.”

FLSA OVERTIME CLAIM

QUESTION NO. 2

Has Plaintiff proved that Defendant(s) failed to pay her the overtime pay required by law?

Answer “Yes” or “No.”

Answer: Yes

If and only if you answered "Yes" to Question No. 2, then answer Question No. 3. If and only if you answered "No" to Question No. 2, you do not need to answer Question Nos. 3, 4, or 5, and you should proceed to Question No. 6a.

QUESTION NO. 3

Has (have) Defendant(s) proved that Plaintiff was exempt from the overtime-pay requirement as an administrative employee for the relevant period?

Answer "Yes" or "No."

Answer: NO

If and only if you answered "No" to Question No. 3, then answer Question No. 4. Otherwise, you should proceed to Question No. 6a.

QUESTION NO. 4

Has Plaintiff proved that during the relevant period, Defendant(s) knew that its (their) conduct was prohibited by the FLSA, or that Defendant(s) showed reckless disregard for whether the FLSA prohibited its (their) conduct?

Answer "Yes" or "No."

Answer: Yes

QUESTION NO. 5

If and only if you answered "Yes" to Question No. 4, you should award overtime damages for the three-year period from March 3, 2018, to March 3, 2021. If and only if you answered "No" to Question No. 4, you should award overtime damages for the two-year period from March 3, 2019, to March 3, 2021.

What sum of money would fairly and reasonably compensate Plaintiff for the damages, if any, you have found Defendant(s) caused Plaintiff for failure to pay FLSA-required overtime?

Answer: \$ 139.99

FLSA RETALIATION CLAIM

QUESTION NO. 6a

Do you find that Plaintiff would not have been terminated by Defendant(s) but for her engaging in protected activity under the FLSA?

Answer "Yes" or "No."

Answer: Yes.

If and only if you answered "Yes" to Question No. **6a**, proceed to Question No. 7. If and only if you answered "No" to Question No. **6a**, proceed to Question No. **6b**.

QUESTION NO. 6b

Do you find that Plaintiff would not have been terminated by Defendant(s) but for Defendant(s)' belief that Plaintiff engaged in protected activity under the FLSA?

Answer "Yes" or "No."

Answer: n/a

QUESTION NO. 7

If and only if you answered "Yes" to either Question No. 6a or Question No. 6b, then answer the following question. Otherwise, do not answer any more questions, and sign and date the bottom of this verdict form.

What sum of money, if paid now in cash, would fairly and reasonably compensate Plaintiff for the damages, if any, you have found Defendant(s) caused Plaintiff?

Answer in dollars and cents for the following items and none other:

Back pay and benefits:

\$ 4848

Emotional pain and suffering, inconvenience, mental anguish, and loss of enjoyment of life:

\$ 0

QUESTION NO. 8

If and only if you answered "Yes" to either Question No. 6a or Question No. 6b, then answer the following question. Otherwise, do not answer any more questions, and sign and date the bottom of this verdict form.

Based on the evidence presented, do you find that Plaintiff should be awarded punitive damages?

Answer "Yes" or "No."

Answer: No

QUESTION NO. 9

If and only if you answered "Yes" to Question No. 8, then answer the following question. Otherwise, do not answer any more questions, and sign and date the bottom of this verdict form.

What sum of money, if any, should be assessed against Defendant(s) as punitive damages?

Answer in dollars and cents:

\$ 0

Lacoe Windham

Presiding Juror

Dated: 9/19/22

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EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

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## VERDICT OF THE JURY

## QUESTION NO. 1

The parties have stipulated that Defendant C-Con Services, Inc. employed Plaintiff during the relevant period. The parties have further stipulated that Defendant C-Con Services, Inc. was an “employer” of Plaintiff under the FLSA during the relevant period.

Based on the evidence presented, do you find that, in addition to C-Con Services, Inc., Defendant Earl B. Cotton was also an employer of Plaintiff Betty Carroll under the FLSA during the relevant period?

Answer "Yes" or "No."

Answer: No.

If and only if you answered “Yes” to Question No. 1, then all references below in Questions Nos. 2, 3, 4, 5, 6a, 6b, 7, 8, and 9 to “Defendant(s)” means “Defendant C-Con Services, Inc. and Defendant Earl B. Cotton.” If and only if you answered “No” to Question No. 1, then all references below in Questions Nos. 2, 3, 4, 5, 6a, 6b, 7, 8, and 9 to “Defendant(s)” means “Defendant C-Con Services, Inc.”

## FLSA OVERTIME CLAIM

## QUESTION NO. 2

Has Plaintiff proved that Defendant(s) failed to pay her the overtime pay required by law?

**Answer “Yes” or “No.”**

Answer: Yes

If and only if you answered "Yes" to Question No. 2, then answer Question No. 3. If and only if you answered "No" to Question No. 2, you do not need to answer Question Nos. 3, 4, or 5, and you should proceed to Question No. 6a.

**QUESTION NO. 3**

**Has (have) Defendant(s) proved that Plaintiff was exempt from the overtime-pay requirement as an administrative employee for the relevant period?**

Answer "Yes" or "No."

Answer: NO

If and only if you answered "No" to Question No. 3, then answer Question No. 4. Otherwise, you should proceed to Question No. 6a.

**QUESTION NO. 4**

**Has Plaintiff proved that during the relevant period, Defendant(s) knew that its (their) conduct was prohibited by the FLSA, or that Defendant(s) showed reckless disregard for whether the FLSA prohibited its (their) conduct?**

Answer "Yes" or "No."

Answer: Yes

**QUESTION NO. 5**

If and only if you answered "Yes" to Question No. 4, you should award overtime damages for the three-year period from March 3, 2018, to March 3, 2021. If and only if you answered "No" to Question No. 4, you should award overtime damages for the two-year period from March 3, 2019, to March 3, 2021.

**What sum of money would fairly and reasonably compensate Plaintiff for the damages, if any, you have found Defendant(s) caused Plaintiff for failure to pay FLSA-required overtime?**

Answer: \$ 139.99

**FLSA RETALIATION CLAIM**

**QUESTION NO. 6a**

**Do you find that Plaintiff would not have been terminated by Defendant(s) but for her engaging in protected activity under the FLSA?**

**Answer "Yes" or "No."**

**Answer:** Yes.

If and only if you answered "Yes" to Question No. 6a, proceed to Question No. 7. If and only if you answered "No" to Question No. 6a, proceed to Question No. 6b.

**QUESTION NO. 6b**

**Do you find that Plaintiff would not have been terminated by Defendant(s) but for Defendant(s)' belief that Plaintiff engaged in protected activity under the FLSA?**

**Answer "Yes" or "No."**

**Answer:** n/a



**QUESTION NO. 7**

If and only if you answered "Yes" to either Question No. **6a** or Question No. **6b**, then answer the following question. Otherwise, do not answer any more questions, and sign and date the bottom of this verdict form.

**What sum of money, if paid now in cash, would fairly and reasonably compensate Plaintiff for the damages, if any, you have found Defendant(s) caused Plaintiff?**

**Answer in dollars and cents for the following items and none other:**

**Back pay and benefits:**

\$ 4848

**Emotional pain and suffering, inconvenience, mental anguish, and loss of enjoyment of life:**

\$ 0

**QUESTION NO. 8**

If and only if you answered "Yes" to either Question No. **6a** or Question No. **6b**, then answer the following question. Otherwise, do not answer any more questions, and sign and date the bottom of this verdict form.

**Based on the evidence presented, do you find that Plaintiff should be awarded punitive damages?**

**Answer "Yes" or "No."**

Answer: No

**QUESTION NO. 9**

If and only if you answered "Yes" to Question No. 8, then answer the following question. Otherwise, do not answer any more questions, and sign and date the bottom of this verdict form.

**What sum of money, if any, should be assessed against Defendant(s) as punitive damages?**

Answer in dollars and cents:

\$ 0

Lacelle Windham

Presiding Juror

Dated: 9/19/22